IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.4143 OF 2005

IN

APPEAL (L) NO.1339 OF 2005

AND

APPEAL (L) NO.1339 OF 2005

...

Ms.Rimmi Joneja ...Appellant

v/s.

Mrs.Anjai D.Roy & Anr. ...Respondents

...

None for the Appellant.

Mr.Deepak Chitnis for the Respondents.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 19TH JULY, 2007

P.C.:

1. This Notice of Motion is taken out by the original Defendant for condonation of delay in filing the Appeal, against the order dated 19th September, 2005 passed in Summons for Judgment No.476 of 2004 in Suit No.1357 of 2004.

2. Perusal of the order impugned shows that the Summons for Judgment taken out by the Plaintiff has been dismissed and the Defendant has been granted leave to defend the suit. An Appeal against the order granting leave to defend is not maintainable. Therefore, there is no question of considering the motion. The Notice of Motion and the Appeal are disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)